

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1-4 are maintained as issued in the original patent.

Claim 5 has been amended so as to be dependent upon claim 1. The recitations of claim 5 which are duplicative of claim 1 have been deleted. Claim 5 has been amended to newly recite that the composition of claim 1 further comprises amorphous silica having a grain diameter ranging from 0.01 μm to 300 μm . Furthermore, claim 5 has been amended to newly recite that the mixture (A) has a first refractive index, and a mixture of said poly(meth)acrylate powder (B) and said amorphous silica has a second refractive index, and wherein a difference of the first and second refractive indexes is 0.1 or less. Support for the new limitation is found in the original specification. Referring to the issued patent, please see column 3, lines 45-55. It should be noted that the recitation of “a mixture of said poly(meth)acrylate powder (B) and said amorphous silica” is appropriate since the specification at column 3, lines 50-51 refer to the refractive index of the amorphous powder (B), which includes the amorphous polymeric powder such as poly(meth)acrylate powder and/or amorphous silica. See column 2, lines 36-42.

Claims 6 and 9-20 are cancelled without prejudice. Claims 7 and 8 are maintained with minor amendments.

Turning to the Official Action, claims 5-12 are rejected under 35 USC 251 as being an improper recapture of broadened claimed subject matter. This ground of rejection is deemed to be overcome in view of the foregoing amendments.

The foregoing amendments to claim 5 delete the broadened subject matter, such that claim 5 as amended is now directed to a more limited composition according to claim 1. Claim 5 as amended, now requires the claimed composition to include all of the limitations of claim 1 as issued, including said mixture (A) and said poly(meth)acrylate powder (B) according to claim 1.

No amendment was presented during prosecution which gave up claim coverage of the composition according to claim 1, further including an amorphous silica.

Moreover, no amendment was presented during prosecution to give up claim coverage of the composition according to claim 1 as issued, further comprising the amorphous silica of the specified grain diameter and further comprising the requirement that the refractive index of mixture A and the refractive index of the mixture of poly(meth)acrylate powder and amorphous silica have a difference of 0.1 or less.

In view of the foregoing, it is respectfully submitted that the rejection of the claims as being an improper recapture has been overcome.

Claims 5-12 are rejected under 34 USC 112, first paragraph, on the basis that the specification is enabling for poly(meth)acrylate powder or amorphous silica but is not enabling for the mixture of powder and silica. This ground of rejection is respectfully traversed.

The specification of this application does admittedly state that “the amorphous powder (B) used in the present invention may be amorphous polymeric powder or amorphous silica.” See column 2, lines 36-37. However, it is apparent from the overall teachings of the specification, and particularly Example 2, that the inventors intended for the amorphous powder (B) to encompass the polymeric powder and/or amorphous silica. Example 2 of the specification is directed to just such a combination of components. Referring to Table 2, note that Example 2 contains MR13G, a poly(meth)acrylate powder (see column 5, lines 51-53) and Fuselex E2, an amorphous silica (see column 5, lines 56-58). Example 2 is also discussed in the specification at column 6, lines 20-43. Although the specification notes that Example 2 exhibits slightly degraded transparency, the composition of Example 2 is clearly described to be a composition according to the invention. In contrast, see the discussion of the Comparative Examples 1 and 2 in column 6, lines 57-63.

Accordingly, it is respectfully submitted that the instant specification is enabling for the use of a mixture of polymeric powder and silica.

Lastly, claims 5-12 are rejected under 35 USC 103 as unpatentable over Wakabayashi in view of Kroschwiltz.

This ground of rejection is deemed to be overcome by the foregoing amendments to the claims. Claims 5, 7 and 8 are now directly or indirectly dependent upon claim 1. Claim 1 is not encompassed by the rejection. Accordingly, the rejection is deemed to be overcome.

Applicants acknowledge with thanks the Examiner's indication that claims 1-4 are allowed.

In view of the foregoing, it is believed that each ground of rejection set forth in the Official Action have been overcome, and that the application is now in condition for allowance. Accordingly, such allowance is solicited.

Respectfully submitted,

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